

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JASON R. STANFORD,)
Petitioner,)
v.) No. 3:05-0557
STATE OF TENNESSEE,) JUDGE HAYNES
CHARLES TRAUGHER,)
Chairman, Board of Probation and Parole,)
Respondent.)

ORDER

The petitioner filed this pro se action under 28 U.S.C. § 2254, for writ of habeas corpus. Under Rule 4 of the Federal Rules Governing Section 2254 cases after a review of the petition, "[i]f it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court, the judge shall make an order for its summary dismissal and cause the petitioner to be notified. Otherwise the judge shall order the respondent to file an answer or other pleading within the period of time fixed by the court." Under Section 28 U.S.C. §1915, "a complaint . . . is frivolous where it lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, (1989).

Plaintiff asserts claims under the Sixth and Fourteenth Amendments for right to due process. These claims are not frivolous.

Given the nature of this claim, it is **ORDERED** that a Federal Public Defender be appointed to represent Petitioner. The Federal Public Defender is granted thirty (30) day to file an amended petition, if necessary.

The Clerk is **ORDERED** to serve the respondent with a copy of the petition. In accordance with Rule 5 of the Rules Governing Section 2254 cases the respondent is **ORDERED** to file a response to this petition within forty (40) days from service of the amended petition or from the date of this Order, as appropriate.

It is so **ORDERED**.

ENTERED this the 2d day of June 2005.


WILLIAM J. HAYNES, JR.
United States District Judge